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Testimony before the Appropriations Committee regarding Governor's Budget Proposal for FY 2013

**Colleen M. Murphy, Executive Director and General Counsel, FOI Commission
February 15, 2012**

Good Morning. My name is Colleen Murphy and I am the Executive Director and General Counsel of the Freedom of Information Commission (FOIC or FOI Commission). Fiscal Year 2012, and the period leading up to it, has proved very challenging for the FOI Commission; it has certainly been the most challenging time that I have seen in my more than twenty years at the FOI Commission, now an independent division within the Office of Governmental Accountability (OGA).

As has been stated, the FOIC and 8 other previously separate agencies were merged into this office, with the aim of reduced spending and streamlining of functions, and the hope of yielding greater efficiencies. Time will tell whether this can be achieved.

This has, and continues to be, a period of adjustment. I will say that, although we are a somewhat unusual cast of characters (the missions of each division are very separate and distinct and an appearance problem exists insofar as the FOIC has jurisdiction over its brother and sister divisions within the OGA on issues of access to their records and meetings), the people within the OGA are exceptional, professional individuals whose collective interest lies in ensuring that their clientele, the citizens of CT, continue to be well-served.

For the FOIC in FY 2012, the budgetary cutback in staff, furthered by the staffing cutbacks from consolidation, has led to a reduction from 23 budgeted positions to 15. The FOIC has actually been functioning of late with only 13 people, since it currently has two vacant, unfilled positions. I have joked that with the passage of PA 11-48, we now have nearly as many Commissioners as employees (PA 11-48 increased the number of FOI Commissioners from 5 to 9).

The FOIC's review of the Governor's proposed budget for FY 2013 indicates that no significant additional budgetary cuts have been called for and the FOIC is quite relieved. The FOIC, in its current state, can and will survive. It believes it can live within the parameters of the Governor's budget.

However, the FOIC must be permitted to USE the money that is allotted to it, both in the remainder of the current fiscal year and the upcoming FY 2013, for the purpose of refilling vacant positions and obtaining appropriate and critical administrative staff. This will be central to the FOIC's ability to keep up with its core mission (that generates a caseload consisting of 800 annual appeals), as well as its appellate workload (FOI attorneys represent the Commission in all Commission appeals to the Connecticut superior and appellate courts) and commitment to

education. If the FOIC continues to be stalled in refilling these positions and in obtaining appropriate administrative support (it currently has only one administrative support employee), its budgetary allotment will effectively be taken away – just by a different and more subtle method than the budget process itself.

The FOIC is now awaiting a second round of approvals from the Office of Policy and Management to refill a managerial position (a process that began in October 2011), and to obtain approval to fill a part-time administrative support position (a request first submitted in December 2011). The FOIC has been unable to get these matters resolved, despite significant efforts to do so. It has affected the FOIC's ability to perform its mission in a timely manner. The FOIC is fearful that it will lose jurisdiction over cases filed by citizens – something that has never occurred previously in the history of the FOIC.

The FOIC looks forward to discussing these matters in greater detail with the subcommittee in the very near future. I am happy to answer any questions you may have.